

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re

Case No.: 14-40806-cec

LADDER 3 CORP.,

Chapter 7

Debtor.

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**ROBERT J. MUSSO, Chapter 7 Trustee of the
Estate of Ladder 3 Corp.,**

Adv No. 1-16-01053-cec

Plaintiff,

-against-

OTR MEDIA GROUP, INC.,

Defendant.

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**SUPPLEMENTAL /AUGMENTED NOTICE OF APPEAL
AND STATEMENT OF ELECTION**

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): OTR Media Group, Inc.
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Plaintiff

☐ Debtor

☒ Defendant

☐ Creditor

☐ Other (describe) _____

☐ Trustee

☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: 1. “Order Granting Trustee's Motion For Summary Judgment and Denying Defendants Motion for Summary Judgment,” dated July 27, 2017 ECF # 28;
2. “Judgment,” dated July 27, 2017 ECF # 30
3. “Decision on Motion for Summary Judgment” dated July 27, 2017 ECF # 28
4. “Order Denying Motion for Relief from Order and Judgment” dated January 22, 2018, ECF # 56

5. "Decision Denying Defendant's Motion for Relief from Order and Judgment" dated January 22, 2018 ECF # 55

2. State the date on which the judgment, order, or decree was entered: July 28, 2017 and January 22, 2018

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: <u>Robert Musso as Trustee for.</u>	Attorney: <u>Alan Weiss, Esq.</u>
<u>Ladder 3 Corp., Debtor</u>	<u>Gutman Weiss PC</u>
	<u>2276 Sixty-Fifth Street 2nd Fl</u>
	<u>Brooklyn, NY 11204</u>
	<u>(718) 259-2105</u>

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

APPELLANT INTENDS TO SEEK CERTIFICATION OF THIS APPEAL FOR DIRECT APPEAL TO THE SECOND CIRCUIT COURT OF APPEALS AND RESERVES ITS RIGHT TO DO SO. A MOTION FOR CERTIFICATION IS PENDING

Part 5: Sign below

/s/ Wayne M. Greenwald
Wayne M. Greenwald

Date: February 5, 2018

Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)
Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Wayne Greenwald, P.C.
475 Park Avenue South - 26th Floor
New York, NY 10016
212-983-1922

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required